

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q80124	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/787,391	February 27, 2004	
	First Named Inventor		
	Kazuhiro MINO		
	Art Unit	Examiner	
	2624	Eueng Nan YEH	
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number <u>55,154</u> <u>/David P. Emery/</u> Signature</p> <p style="text-align: right;"><u>David P. Emery</u> Typed or printed name</p> <p style="text-align: right;"><u>(202) 293-7060</u> Telephone number</p> <p style="text-align: right;"><u>September 10, 2008</u> Date</p>			

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q80124

Kazuhiro MINO, et al.

Appln. No.: 10/787,391

Group Art Unit: 2624

Confirmation No.: 4819

Examiner: Eueng Nan YEH

Filed: February 27, 2004

For: SYSTEM FOR ATTACHING AND DETECTING EMBEDDED INFORMATION IN AN
IMAGE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Further to the Examiner's Final Office Action dated April 10, 2008, Applicant files this
Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a
Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-2, 4-7, 9 and 11-12 are pending in the application and stand rejected.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 2, 5-7, 9 and 11-12 under § 103(a) as being unpatentable
over Rhoads (US 6,411,725) and Narayanaswami et al. (US 2003/0011684).

The Examiner alleges Rhoads discloses most of the features of the rejected claims, but
concedes Rhoads fails to disclose the transmitted image data is photographed image data. Thus,

the Examiner applies Narayanaswami alleging it discloses this feature. The Examiner contends Narayanaswami discloses “a digital image capturing system as depicted in figure 1, numeral 100: ‘FIG. 1 is a camera (which is capable of capturing still and /or video images) . . . FIG. 1 is not limited to a camera, but may be embedded in other CPU based systems such as a portable computer or any PDA . . .” (*citing* par. [0032]).

Claim 1 recites, *inter alia*:

information attaching means for attaching different information to each of a plurality of regions in said image that respectively contain said plurality of photographed objects, and acquiring said information-attached image;

input means for receiving photographed-image data obtained by photographing an image reproducing medium, on which the information-attached image acquired by the information attaching means is reproduced, with image pick-up means; and

detection means for detecting said information from said photographed-image data for each of said plurality of photographed objects contained in said information-attached image.

Consequently, claim 1 requires that an information-attached image is acquired from photographed objects having information attached thereto (image 1= photographed objects and information). Further, claim 1 requires that this image (image 1 having photographed objects and information) then be ***reproduced on an image reproducing medium***, which in turn is photographed (image 2). However, neither Rhoads nor Narayanaswami disclose these features.

In this Advisory Action the Examiner responds:

Please reference to Rhoads figure 1B for the block of creation system wherein watermark type not only pre-watermarked physical object but also object after recording i.e. performed on photographed objects as shown in figure 1A, numeral 102 "Embed into Video Content".

(*Advisory Action*, p.2)

Here, the Examiner appears to be taking the position that Rhoads discloses that the video is watermarked, i.e., embedding into video content 102. Clearly, Rhoads describes the embedding process 102 as encoding auxiliary information into a watermark embedded in video content. However, this fails meet all the features of image 1 because this watermarked video content *is not reproduced on an image reproducing medium which is then, in turn, photographed.*

Additionally, the Examiner provides:

For an example of a watermarking process that survives digital to analog conversion (e.g., printing a digital image on a physical object), and then analog to digital conversion (e.g., capture via a video camera)" at Rhoads column 7, line 31. This is to say that the watermark can survive from printing watermarked digital image and then capture the printed image via video camera.

(Advisory Action, p.2).

This cited portion of Rhoads also fails meet all the features required of image 1. Specifically, even if the video capture of these marked physical objects is associated with the information attached image (image 1), i.e., having photographed objects with information attached, *Rhoads fails to disclose that this video content is reproduced on an image reproducing medium, which is then, itself, photographed. One of ordinary skill in the art would not photograph a video.*

In other words, claim 1 describes an information attaching means for attaching different information to each of plural regions of said image that contains plural photographed objects. Thus, the information attaching feature is performed relative to photographed objects (not the physical objects disclosed in Rhoads FIG. 2). The input means receives photographed image data by photographing an image reproducing medium, on which the information-attached image

acquired by the information attaching means is produced. Thus, the input means for receiving photographed image data is relative to an object that is on an image reproducing medium.

In the rejection, the Examiner cites the general embedding of watermark content into video as teaching the information attaching means. Though the Examiner further cites the reception of the video and the decoding of video as the input receiving means, it is clear that this only corresponds to receipt of the transmitted signal, as previously contended. The Examiner's further reliance on a type of watermarking that survives printing of the image does not make up for the deficiency. In particular, the printing is the result of a digital conversion of the watermarked video signal, but there is no further image capturing of a medium on which information attached by the information attaching means is reproduced.

In the rejection, the Examiner concedes that Rhoads does not explicitly disclose the transmitted image data can be a photographed image. (*Final Office Action*, p.4) The Examiner cites Narayanaswami to teach this feature. However, even if Narayanaswami could be construed as teaching the transmitted image data can be a photographed image - Narayanaswami fails to teach that this image (image 1 having photographed objects and information) then be *reproduced on an image reproducing medium*, which in turn is photographed (image 2). Thus, the combination would still be deficient as to taking of a photograph of the image reproducing medium on which the information-attached image acquired by the information attaching means is reproduced.

Therefore, Applicants respectfully submit that the modification of Rhoads in view of Narayanaswami is not supportable, and even if combined, the combination would not teach all features of independent claim 1.

Consequently, Applicants submit the applied combination fails to disclose all the features recited in claim 1. Additionally, Applicants submit that because claims 7 and 9 disclose similar features, these claims are allowable, at least, for the same reasons set forth above with regard to claim 1. Finally, Applicants submit claims 2, 5, 6 and 12 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claim 4 under § 103(a) as being unpatentable over Rhoads in view of Narayanaswami, in further view of Motta et al. (US 6,726,103).

Applicants respectfully submit that because Motta, either taken alone or in combination with Rhoads and Narayanaswami, fails to compensate for the above noted deficiencies of the Rhoads/Narayanaswami as applied to claim 1 above, claim 4 is allowable, at least by virtue of its dependency.

Respectfully submitted,

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